

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

FILED IN CLERK'S OFFICE U.S.D.C. - Atlanta  <b>AUG 21 2024</b>  KEVIN P. WEIMER, Clerk By: <i>[Signature]</i> Deputy Clerk
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## UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

\_\_\_\_ Division

Jamal Quezaire

Case No.

**1:24-CV-3733**

(to be filled in by the Clerk's Office)

*Plaintiff(s)*

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

TechniPower Inc  
 "see attached"

*Defendant(s)*

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Jamal Quezaire
Street Address	1014 Oak Chase Dr N
City and County	Tucker
State and Zip Code	Georgia 30084
Telephone Number	818-844-6978
E-mail Address	jquezaire2022@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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## Defendant No. 1

Name TechniPower

Job or Title *(if known)*

Street Address

10 Mansell Ct E Suite 150

City and County

Roswell. Fulton County

State and Zip Code

GA 30076

Telephone Number

E-mail Address *(if known)*

## Defendant No. 2

Name

Ashley Salazar

Job or Title *(if known)*

Talent Acquisitions

Street Address

10 Mansell Ct E Suite 150

City and County

Roswell. Fulton County

State and Zip Code

GA 30076

Telephone Number

E-mail Address *(if known)*

## Defendant No. 3

Name

Dan Lastella

Job or Title *(if known)*

Chief Operating Officer

Street Address

10 Mansell Ct E Suite 150

City and County

Roswell. Fulton County

State and Zip Code

GA 30076

Telephone Number

E-mail Address *(if known)*

## Defendant No. 4

Name

Eshani Patell

Job or Title *(if known)*

Internal Recruiter

Street Address

10 Mansell Ct E Suite 150

City and County

Roswell. Fulton County

State and Zip Code

GA 30076

Telephone Number

E-mail Address *(if known)*

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	TechniPower Inc
Street Address	10 Mansell Ct E Suite 150
City and County	Roswell. Fulton County
State and Zip Code	GA 30076
Telephone Number	

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

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Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

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Other federal law *(specify the federal law)*:

Family and Medical Leave Act (FMLA) (29 U.S.C. § 2601 et seq.

☐

Relevant state law *(specify, if known)*:

Georgia Fair Employment Practices Act

☐

Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Discriminatory practices related to medical emergencies and abse

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
10/4/23 and 9/25/23

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race \_\_\_\_\_
- ☒ color \_\_\_\_\_
- ☐ gender/sex \_\_\_\_\_
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☐ age *(year of birth)* \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* \_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

**Statement of Claim****Claim 1: Unlawful Termination Due to Medical Emergency "see attached"**

On September 25, 2023, I was unable to report for work due to a medical emergency involving potential HIV exposure, which required immediate attention. Contrary to TechniPower's claim that I failed to notify them of my absence, I have evidence that I communicated with Ashley Salazar, TechniPower's Talent Acquisition Manager, on the morning of September 25, 2023. This includes a voicemail from Ms. Salazar confirming my attempt to contact TechniPower, as well as a screen-recorded video showing the date and time of this communication. Despite this, TechniPower terminated my employment on October 5, 2023.

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

**IV. Exhaustion of Federal Administrative Remedies**

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)* 10/19/23

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 05/23/2024.

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.



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**Compensatory Damages: "see attached"**

**Lost Wages:** The plaintiff seeks \$28,200 in compensatory damages for lost wages. This amount is calculated based on an hourly rate of \$15 for a 40-hour work week, covering the period from October 5, 2023, to August 19, 2024.

**Emotional Distress:** The plaintiff requests \$50,000 in damages for emotional distress. This amount reflects the severe impact the discriminatory actions have had on the plaintiff's mental and emotional well-being. The claim is supported by the plaintiff's personal testimony and relevant medical or psychological documentation.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/19/2024

Signature of Plaintiff

Printed Name of Plaintiff Jamal Quezaire

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

## **Statement of Claim**

### **Introduction:**

This complaint asserts that TechniPower engaged in discriminatory and retaliatory practices during my employment, which led to my wrongful termination. My claims include disparate handling of absences, unequal treatment compared to terminated interns, and retaliation for raising workplace concerns, including claims of microaggressions.

### **Claim 1: Wrongful Termination Due to Medical Emergency**

On September 25, 2023, I was unable to report for work due to a medical emergency involving potential HIV exposure, which required immediate attention. Contrary to TechniPower's claim that I failed to notify them of my absence, I have evidence that I communicated with Ashley Salazar, TechniPower's Talent Acquisition Manager, on the morning of September 25, 2023. This includes a voicemail from Ms. Salazar confirming my attempt to contact TechniPower, as well as a screen-recorded video showing the date and time of this communication. Despite this, TechniPower terminated my employment on October 5, 2023, citing attendance issues related to September 25, 2023. The termination was executed without any documented disciplinary action or verbal warning and in violation of TechniPower's own absence policy, which provides for excusing absences due to acute medical emergencies. TechniPower's action disregards the legitimate medical nature of my absence and constitutes a violation of my rights under their policy.

### **Claim 2: Inconsistent Application of Company Policies**

TechniPower's handbook states that unreported absences may be excused in cases of serious medical emergencies, yet my absence on September 25, due to a medical emergency, was not treated in accordance with this policy. Instead, my absence was used as a factor in my termination, which contradicts the company's stated reason for my dismissal.

### **Claim 3: Retaliation for Reporting Workplace Concerns**

On October 4, 2023, I reported microaggressions and other workplace issues to Ms. Patel. Despite my efforts to address these concerns, TechniPower terminated my employment on October 5, 2023. This sequence of events, combined with the immediate termination following my attempt to discuss workplace issues, indicates retaliation for raising these concerns. The swift termination indicates an effort to suppress my grievances.

TechniPower's position statement acknowledges my communication about microaggressions and my request to leave early due to medication side effects. The swift termination without adequate discussion or investigation into these issues suggests retaliation and suppression of

my grievances. This act of retaliation is a violation of my rights under both federal and Georgia state laws protecting employees from retaliation for asserting their rights.

**Claim 4: Discrimination and Unlawful Termination**

My termination appears to have been influenced by discriminatory motives and retaliation for protected activities. Dan Lastella's involvement in the termination decision, given my concerns about him, suggests a conflict of interest. Additionally, the selective omission of details regarding terminated employees and disparate treatment between myself and others, such as Reed O'Brian, a white female intern, indicates potential racial discrimination. TechniPower's termination practices reveal a pattern of discriminatory treatment. The company provided detailed termination information for white employees but omitted details for Oshun Sharrief, an African American female employee. Additionally, the company's actions towards me, including the immediate termination after my medical emergency and reporting of workplace issues, contrast sharply with the more considerate approach taken in the termination of Reed O'Brien, a white female intern. This disparate treatment indicates racial discrimination and bias in TechniPower's employment practices. The lack of full disclosure and inconsistency in handling terminations reflect discriminatory practices that require further examination.

**Conclusion:**

The discrepancies in TechniPower's position statement, inconsistent application of company policies, retaliatory actions following protected activities, and indications of discriminatory practices all contribute to a pattern of unfair and unlawful employment practices. The evidence supports the claim that my termination was driven by discrimination and retaliation. These claims are supported by evidence including voicemails, medical documentation, Technipower's own position statement, and discrepancies in TechniPower's termination practices.



## **Relief Claimed**

### **1. Compensatory Damages:**

- **Lost Wages:** The plaintiff seeks \$28,200 in compensatory damages for lost wages. This amount is based on an hourly rate of \$15 for a 40-hour work week, covering the period from October 5, 2023, to August 19, 2024. The plaintiff asserts that this period reflects the duration of time they would have continued working had the wrongful termination not occurred.
- **Emotional Distress:** The plaintiff requests \$50,000 in damages for emotional distress. This sum reflects the severe and lasting impact the discriminatory actions have had on the plaintiff's mental and emotional well-being. Although financial constraints prevented the plaintiff from seeking ongoing therapy or mental health services, the claim is supported by the plaintiff's personal testimony, documented attempts to seek help, and relevant situational evidence that corroborates the emotional toll experienced.
- **Other Financial Impacts:** The plaintiff seeks an additional \$5,000 to cover financial impacts directly resulting from the termination.

### **2. Punitive Damages:**

- The plaintiff requests \$100,000 in punitive damages. This amount is intended to penalize the defendant for its discriminatory conduct and to deter such behavior in the future. The sum reflects the egregious nature of the alleged actions, which include racial discrimination and retaliation, and considers the financial standing of the defendant to ensure the punitive damages serve their intended purpose.

### **3. Basis for Claims:**

- The plaintiff asserts that the wrongful termination based on race and color has had a continuing negative impact on their employment opportunities and financial stability. The discriminatory actions have led to ongoing emotional distress, financial strain, and potential harm to future employment prospects and personal reputation. The plaintiff also claims that the inability to afford necessary mental health services exacerbated the emotional distress caused by the defendant's actions.

### **Summary of Damages:**

- **Total Compensatory Damages:** \$83,200, broken down as follows:
  - \$28,200 for lost wages
  - \$50,000 for emotional distress
  - \$5,000 for lost benefits and other financial impacts
- **Total Punitive Damages:** \$100,000

**Total Damages Sought: \$183,200**



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Atlanta District Office  
100 Alabama Street, SW, Suite 4R30  
Atlanta, GA 30303  
1-800-669-4000  
Website: [www.eeoc.gov](http://www.eeoc.gov)

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 05/24/2024

To: Mr. Jamal Quezaire  
1014 Oak Chase Dr Apt N N  
TUCKER, GA 30084  
Charge No: 410-2024-00211

EEOC Representative and email: TREY PYLE  
Sr. Federal Investigator  
Trey.Pyle@eeoc.gov

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### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign in to the EEOC Public Portal and upload the court complaint to charge 410-2024-00211.

On behalf of the Commission,

Digitally Signed By: Darrell E. Graham  
05/24/2024

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Darrell E. Graham  
District Director

**Cc:**

Dan Lastella  
Technipower  
1080 HOLCOMB BRIDGE RD  
Roswell, GA 30076

Mark Keenan  
Barnes & Thornburg  
3340 PEACHTREE RD NE STE 2900  
Atlanta, GA 30326

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

**IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT**

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

**ATTORNEY REPRESENTATION**

For information about locating an attorney to represent you, go to:  
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

**HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS**

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a "Section 83" request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

**To make a FOIA request for your charge file**, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a FOIA request for your charge file by U.S. Mail by submitting a signed, written request identifying your request as a "FOIA Request" for Charge Number 410-2024-00211 to the



Enclosure with EEOC Notice of Closure and Rights (01/22)

District Director at Darrell E. Graham, 100 Alabama Street, SW Suite 4R30, Atlanta, GA 30303.

**To make a Section 83 request for your charge file**, submit a signed written request stating it is a "Section 83 Request" for Charge Number 410-2024-00211 to the District Director at Darrell E. Graham, 100 Alabama Street, SW Suite 4R30, Atlanta, GA 30303.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA requests, go to <https://www.eeoc.gov/eeoc/foia/index.cfm>.

For more information on submitted Section 83 requests, go to <https://www.eeoc.gov/foia/section-83-disclosure-information-charge-files>.

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>  This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <b>EEOC</b>  Agency(ies) Charge No(s): <b>410-2024-00211</b>					
and EEOC							
_____ State or local Agency, if any							
I Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.) <b>Mr. Jamal Quezaire</b>		Home Phone <b>818-844-6978</b>					
Street Address <b>1014 Oak Chase Dr Apt N N</b> <b>TUCKER, GA 30084</b>		Year of Birth <b>1985</b>					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)							
Name <b>TECHNIPOWER/TECHNIFORCE GROUP 401(K) TRUST</b>		No. Employees, Members <b>501+ Employees</b>					
Street Address <b>1080 HOLCOMB BRIDGE RD</b> <b>ROSWELL 30076</b>		Phone No.					
Name		No. Employees, Members					
Street Address		City, State and ZIP Code					
DISCRIMINATION BASED ON  <b>Race, Retaliation</b>		DATE(S) DISCRIMINATION TOOK PLACE  <table style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Earliest</td> <td style="width: 50%; text-align: center;">Latest</td> </tr> <tr> <td style="text-align: center;">10/05/2023</td> <td style="text-align: center;">10/05/2023</td> </tr> </table>		Earliest	Latest	10/05/2023	10/05/2023
Earliest	Latest						
10/05/2023	10/05/2023						
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):  <p>I was hired by the above named employer on August 15, 2023. My last known position title was Account Executive. . During my tenure, I faced significant workplace support deficiencies, while my white colleagues had access to dedicated support teams, I was consistently isolated and reliant solely on my mentor for assistance. During my employment, I endured microaggressions with racial undertones in an environment that exhibited cultural insensitivity, particularly towards non-black employees. My recruiting manager, Brian Gidley, repeatedly dismissed my requests for assistance, in sharp contrast to the support extended to my Caucasian colleagues. Despite my outstanding performance and successfully closing a significant business deal, I was unjustly denied a promotion to a full-time position. On October 5, 2023, I was discharged.</p> <p>The reason given for my discharge was "leaving work early."</p>							
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements					
I declare under penalty of perjury that the above is true and correct.  <b>Digitally Signed By: Mr. Jamal Quezaire</b>  <b>10/19/2023</b>  <div style="text-align: right;">Charging Party Signature</div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT   SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)					